tentional,and only intentional omission is considered punishable. The offender has indeed preferred the worse to the better motives, but without motive and purpose: he has Indeed failed to apply his reason, but not exactly with the object of not applying it. The very assumption made in the case of punishable crime, that the criminal intentionally renounced his reason, is removed by the hypothesis of " free will." According to your own principles, you must not punish, you adherents of the doctrine of free will!—These principles are, however, nothing but a very marvellous conceptual mythology, and the hen that hatched them has brooded on her eggs far away from all reality.

24.

JUDGING THE CRIMINAL AND HIS JUDGE. —The criminal, who knows the whole concatenation of circumstances, does not consider his act so far beyond the bounds of order and comprehension as does his judge. His punishment, however, Is measured by the degree of astonishment that seizes the judge when he finds the crime incomprehensible. —If the defending counsel's knowledge of the case and its previous history extends far enough, the so-called extenuating circumstances which he duly pleads must end by absolving his client from all guilt Or, to put' it more plainly, the advocate will, step by step, tone down and finally remove the astonishment of the judge, by forcing every honest listener to the tacit avowal, " He was bound to act as he did, and if we punished, we should be punishing eternal Necessity."—Measuring the